

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant:       | M. Patane         | Attorney Docket No.: | CASM122095                   |
| Application No.: | 10/734,721        | Art Unit:            | 1615 / Confirmation No: 1968 |
| Filed:           | December 11, 2003 | Examiner:            | G.S. Kishore                 |
| Title:           | YEAST TREATMENT   |                      |                              |

RESPONSE TO NON-FINAL OFFICE ACTION

Seattle, Washington 98101

September 21, 2007

TO THE COMMISSIONER FOR PATENTS:

This paper is filed in response to the Office Action mailed on May 21, 2007. Presently, Claims 1-30 are pending in the application. Of these, Claims 21-30 are withdrawn from consideration. Claims 1-20 have been examined and stand rejected. Reconsideration of Claims 1-20 is respectfully requested.

The Rejection of Claims 1-5, 7-12, and 18-20 Under 35 U.S.C. § 103(a)

Claims 1-5, 7-12, and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2005/0163832 (Torchillin) in combination with WO 85/04880 (WO 85). Applicant respectfully traverses the rejection.

The Examiner commits error by concluding that the claimed invention is obvious by merely demonstrating that each of the elements is independently known in the prior art. This approach fails to consider the actual teachings of the references, and whether there is, in fact, an actual reason for combining the two references: specifically, to include phosphatidylethanolamine (PE) into the liposome of Torchillin.

The Torchillin et al. reference is related to the preparation and use of a transducing polypeptide lipid vesicle *complex* having a small proportion of positively charged lipids in the make-up of the liposome for safe and efficient intracellular delivery of therapeutic agents. The

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